



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,882	01/29/2004	Jun Oonishi	11-219	2290

23400 7590 09/09/2005

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

BLOUNT, ERIC

ART UNIT PAPER NUMBER

2636

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,882

Applicant(s)

OONISHI, JUN

Examiner

Eric M. Blount

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12, 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 13, and 15 is/are rejected.
- 7) ☒ Claim(s) 8 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/29/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1292004 & 7282005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Horten et al [WO 92/20096].

As for **claims 1 and 13**, Horten discloses a sensor device comprising an electronic sensor for outputting an electric signal in accordance with a physical displacement of a sensing portion. A casing is provided for mounting the electronic sensor and a vibration-damping member is provided between at least part of the electronic sensor and the case for damping high-frequency vibration (page 2, lines 1-10 and 30-34 and claims 7 and 8).

As for **claim 2**, Horten discloses a sensor device wherein the vibration damping member is a potting material and the electronic sensor is surrounded by said potting material (page 2, lines 8-10).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2636

a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horten.

As for **claim 4**, Horten discloses a vibration-damping member, which is connected to the electronic sensor at least at a portion thereof and is fixed to the casing in at least a portion thereof. The member and the casing are arranged so as to constitute a spring-mass system consisting of a spring of said member and a mass of said electronic sensor for damping high-frequency vibration (claim 8). Horten does not specifically disclose the use of a lead member. However, it would have been obvious to one of ordinary skill in the art that any type of appropriate material could have been used as the spring and mass materials. The use of lead can be viewed as a matter of design choice.

As for **claim 5**, Horten shows that the molding process was well known in the art at the time of the invention by the applicant. One of ordinary skill in the art would have recognized that a lead member could have been integrally molded with the casing.

As for **claim 6**, it was well known and accepted in the art at the time of the invention by the applicant that an electronic sensor device may include a detecting portion, communicating portion, and a power source. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to attach the sensor device to a casing. It would be obvious to attach the sensor device to the casing so that it would be secure within the enclosure.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horten in view of Mochizuki [U.S. Patent No. 4,966,031].

As for **claim 3**, Horten does not disclose a vibration-damping member that is a plate or sheet vibration proofing material or a molded vibration proofing material integrated together with the electronic sensor and the electronic sensor is fixed to the casing via the vibration proofing material. In an analogous art, Mochizuki discloses a sensor device wherein a vibration damping member is a sheet vibration proofing material and the electronic sensor portion is fixed to the casing via the vibration proofing material (Figure 6, column 2, lines 65-68).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horten in view of Parsons [U.S. Patent No. 5,714,409].

As for **claim 7**, Horten does not disclose an electronic sensor mounted on a substrate. In an analogous art, Parsons discloses that it was known in the art to mount an electronic sensor on a substrate and to attach it to a casing (column 1, lines 55-67). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the electronic sensor taught by Horten could have been mounted on a substrate before being placed in an enclosure because this knowledge was known and accepted in the art at the time of the invention by the applicant.

7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al [JP 55102255 A].

Regarding **claims 9-10**, Sugimoto et al disclose that it was known in the art at the time of the invention by the applicant for a component mounting ceramic package to include a metallic electrode for welding onto the body of the ceramic package, wherein the metallic electrode is brazed to the body of the ceramic package (Abstract and Constitution).

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horten et al as applied to claim 1 above, and further in view of Tasaka et al [U.S. Patent No. 6,720,361 B2].

Regarding **claim 15**, Horten et al do not specifically disclose that a vibration damping material is a thermoplastic elastomer. Tasaka et al teach that it was well known in the art at the time of the invention by the applicant for thermoplastic elastomers to be used for vibration damping (column 8, lines 1-10). Since the use of thermoplastic elastomers was well known, it would have been obvious to one of ordinary skill in the art that the damping material taught by Horten et al could have been modified to include the thermoplastic elastomer. One might have been motivated to make this modification because of the light weight and sound insulating properties provided by thermoplastic elastomers.

Allowable Subject Matter

9. Claim 11-12 and 16-17 are allowed.
10. Claims 8 and 14 are objected to as being dependent upon a rejected base claim, but it appears that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600